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SIPDIS

DEPARTMENT FOR NEA/ELA, DRL/NECSA FOR CHERYL HARRIS
LONDON FOR TSOU, PARIS FOR WALLER

E.O. 12958: DECL: 05/14/2019

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [SY](#)

SUBJECT: KURDISH ACTIVIST MESHAAL TAMMO SENTENCED, DAMASCUS
DECLARATION FOUNDER MICHEL KILO TO BE RELEASED.

REF: A. 07 DAMASCUS 00445

[1](#)B. DAMASCUS 00306

Classified By: CDA MAURA CONNELLY FOR REASONS 1.4 (B) AND (D)

[1](#)1. (C) SUMMARY: The First Criminal Court of Damascus sentenced Meshaal Tammo, leader of the Kurdish Future Movement, to three and one half years in prison on May 11. The judge did not permit Tammo to speak in his defense, though Tammo had a prepared statement he had intended to read in court. In a post-trial meeting Damascus Declaration Secretariat General members Amin Obeidi and Riad al-Turk (strictly protect both), Obeidi contended that Meshaal's sentencing was a warning message to all Kurds that political opposition would not be tolerated. These activists also believed the SARG would initiate additional criminal procedures against Tammo in order to lengthen his sentence once he was in prison. Riad al-Turk and Beirut-Damascus Declaration signatory Najati Tayara (strictly protect) reported they feared the SARG would not release Michel Kilo (ref A) on May 15 as scheduled. END SUMMARY.

The Sentencing

[1](#)2. (SBU) In front of a packed courtroom, First Criminal Court Judge Mahi al-Din Hallak sentenced Meshaal Tammo to three and a half years in prison on May 11. The original sentence was six years, but the judge reduced it to three and a half years with no explanation. Tammo, who was arrested on August 15, 2008, was convicted under Articles 285 (weakening the national sentiment in a time of war or inciting racist or sectarian feelings) and 286 (willfully spreading false news to weaken national sentiment or incite racist/sectarian feelings) of the Syrian Penal Code. Tammo's additional charges under Articles 287, 288, 298 (inciting civil war or sectarian fighting by arming Syrians or encouraging them to carry them), and 307 (inciting civil war or sectarian violence through writing or speech) were left unmentioned by the court. The judge did not permit Tammo to present an oral defense statement and as soon as the verdict had been rendered, the judge and all other court personnel beat a hasty retreat to their chambers, even though roughly 12 other defendants were waiting in the holding cell for their hearing. Tammo remarked to the crowd that the judgment was unfair and that he would continue to "fight for the freedom of opinion and expression." Police removed Tammo from the holding cell and reportedly transported him to Adra prison.

13. (U) Diplomatic representatives from Denmark, Finland, France, Switzerland, Austria, the E.U. Commission, Germany, the Netherlands, Belgium, Norway, and Canada attended the trial as did Tammo's family, friends, Future Movement colleagues, and other civil society activists.

MESSAGE TO THE KURDS

14. (C) The court's refusal to allow the defense statement was an unprecedented and technically illegal maneuver, according to several Kurdish activists who argued the judge's refusal to allow Tammo to speak denied his due process rights under Syrian law (Note: Tammo's lawyers had submitted his defense to the judge in writing).

15. (C) Amid Obeidi described the sentencing as a "message to the Kurdish opposition" that the SARG would characterize Kurdish opposition as a "separatist activity" and punish opposition figures accordingly. Tammo's conviction, Obeidi continued, reflected the SARG's ongoing crackdown on all Kurdish activities. He said he fully expected the SARG to initiate further proceedings against Tammo after his incarceration. "If one looks at the Tammo sentence in the context of other Kurds imprisoned for separatist activities, like the PKK," Obeidi elaborated, "one usually sees a moderate sentence of one to two years followed by additional charges after the individual is in prison." Obeidi did note, though, that Tammo was not convicted based on Article 298, which would have resulted in a much harsher sentence.

SCHEDULED RELEASE OF MICHEL KILO

16. (C) During our post-Tammo trial meeting with Obeidi, we also had the opportunity to discuss Damascus Declaration founding member Michel Kilo's scheduled May 15 release with Riad al-Turk and Najati Tayara. Both men seriously doubted the SARG would actually release Kilo. "We expect the worst," Turk said. Tayara chimed in that Kilo's was not a "normal case." According to Tayara, President Asad had laid out for Abdulaziz Mughraby, Vice President of the Arab Lawyers Union, precisely how Kilo's release should proceed. Tayara added that the Asad - Mughraby conversation had been confirmed to him by Talal Salman, editor of As-Safir newspaper. Asad's plan, Tayara said, was that Kilo would be released on May 15 into the custody of the General Intelligence Directorate, at which point Kilo would be asked to sign an "apology to Asad" in order to gain his final release. If Kilo refused, Tayara doubted the GID would let him go; rather, they would hold him until they could develop new charges against him.

17. (C) Norwegian diplomats told us they had recently spoken to Kilo's wife; she expected the SARG to coerce Kilo into signing an apology of some sort. She reportedly stated Kilo would never sign such a document, a decision with which she wholeheartedly agreed. The E.U. released a press statement on May 13 citing its "commitment to the freedom of expression" for Syrians as "laid down in the International Covenant on Civil and Political Rights ratified by Syria on 21 April 1969." The E.U.'s statement also expressed "regret" for the court ruling against Tammo and called upon the SARG to "respect its international commitments and to release Mr. Meshal Tammo and all other prisoners of conscience."

18. (C) COMMENT: The SARG has a history of trumping up new charges against activists once they are in prison, the most recent examples being the cases of prisoners of conscience Kamal Labwani and Walid al-Bunni. It remains a distinct possibility that with the help of common criminals who are willing to testify against their fellow inmates, the Syrian courts might yet press ahead on the more severe charges left unaddressed at Tammo's sentencing. At the same time, we note the three and a half year sentence is less than our contacts in the human rights community expected. Given the E.U.

statement, and pending any Department guidance (ref B) on a Syria human rights policy review, the Department might consider linking a general comment on prisoners of conscience to the E.U.'s, but without naming Tammo individually to avoid singling him out for harsher treatment by the SARG.

CONNELLY